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AF

**THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Appeal No: _____

In re the Application of: **KASHIWAGI, et al.**

Group Art Unit: **2112**

Serial No.: **09/512,884**

Examiner: **HUYNH, Kim T.**

Filed: **February 25, 2000**

P.T.O. Confirmation No.: 7754

For: **ELECTRONIC APPARATUS AND INPUT DEVICE**

APPELLANT'S BRIEF UNDER 37 C.F.R. §1.192

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: August 24, 2005

Sir:

This is an Appellant's Brief in support of the appeal of the final rejections of Claims 1-9 under 35 U.S.C. §102(b) as being anticipated by Clancy et al., U.S. Patent No. 5,168,427, and further Claim 6 under 35 U.S.C. §103(a) as being unpatentable over Clancy et al., U.S. Patent No. 5,168,427, in view of Kimura et al., U.S. Patent No. 6,108,716, asserted in the final Office Action mailed February 28, 2005.

A Notice of Appeal was timely filed on June 28, 2005 along with a one month extension of time. In accordance with the requirements of 37 C.F.R. §1.192, this Appellant's Brief is timely filed in triplicate by August 25, 2005.

If any further fees are required in connection with the filing of this Appeal Brief, please charge our Deposit Account No. 01-2340.

I. REAL PARTY IN INTEREST

The real party in interest is Fujitsu Limited.

II. RELATED APPEALS AND INTERFERENCES

No related appeals or interferences are known to the undersigned as of the date that this Appeal Brief is being filed.

III. STATUS OF CLAIMS

Claims 1-9 remain rejected under 35 U.S.C. §102(b) as being anticipated by Clancy et al., U.S. Patent No. 5,168,427, and further Claim 6 remains rejected under 35 U.S.C. §103(a) as being unpatentable over Clancy et al., U.S. Patent No. 5,168,427, in view of Kimura et al., U.S. Patent No. 6,108,716, asserted in the final Office Action mailed February 28, 2005.

A copy of the text of claims 1- 9, the rejections of which have been appealed, is attached as an Appendix to this Brief.

IV. STATUS OF AMENDMENTS

On February 28, 2005, a final Office Action was mailed, rejecting claims Claims 1-9 under 35 U.S.C. §102(b) as being anticipated by Clancy et al., U.S. Patent No. 5,168,427, and further rejecting Claim 6 under 35 U.S.C. §103(a) as being unpatentable over Clancy et al., U.S. Patent No. 5,168,427, in view of Kimura et al., U.S. Patent No. 6,108,716.

On July 13, 2005 an Advisory Action was mailed indicating that the amendments to the claims submitted in the After Final Amendment filed on June 28, 2005 would be entered for purposes of appeal.

On June 28, 2005, a Notice of Appeal, along with a one month extension of time, from the Examiner to the Board of Patent Appeals and Interferences, and the requisite fees, were filed, appealing the final rejections of claims 1-9.

V. SUMMARY OF THE INVENTION

The applicant's present invention is a device for storing a keyboard (16) between a main unit (14) and a display unit (12) when not in use as illustrated in Figures 4B and 6A and discussed on page 12, lines 1-7 of the specification. A supporting member (20) having an engaging portion (20b) is utilized in an embodiment to support the keyboard (16) while not in use as illustrated in Figure 6A and discussed on page 13, lines 1-18 of the specification.

Utilizing the present invention, it is possible to save space on a surface when the keyboard (16) is not in use as discussed on page 12, lines 4-7 of the specification. As illustrated in Figure 5B and discussed on page 12, lines 15-30 of the specification, the keyboard (16) (input device) is completely detachable from the space between the display unit (12) and the main unit (14).

VI. ISSUES

The issue on appeal is as follows:

Are claims 1-9 patentable under 35 U.S.C. §102(b) as being anticipated by Clancy et al., U.S. Patent No. 5,168,427?

Further, is claim 6 patentable under 35 U.S.C. §103(a) as being unpatentable over Clancy et al., U.S. Patent No. 5,168,427, in view of Kimura et al., U.S. Patent No. 6,108,716?

VII. GROUPING OF THE CLAIMS

Claims 1-9 stand and fall together.

VIII. ARGUMENTS

Rejections of the claims under 35 U.S.C. §102

The Law

The test for anticipation under 35 U.S.C. §102 was set forth by the Federal Circuit in **Verdegaal Bros. v. Union Oil Co. of California**, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed Cir. 1987). In the Verdegaal case, the Court indicated that “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” **Id.**

The Richardson Court further indicated that “[t]he identical invention must be shown in as complete detail as contained in the claim.” **Richardson v. Suzuki Motor Co.**, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1990)

Are claims 1-9 patentable under 35 U.S.C. §102(b) as being anticipated by Clancey et al., U.S. Patent No. 5,168,427?

Clancey et al. is a portable computer (12) with a tiltable keyboard (10). A latch member (76) is used to release a pawl member (80) which lifts the keyboard (10) through the action of a spring (84). The keyboard (10) remains attached and pivots about pivot pin (46).

It should be noted that the Examiner asserts in item 2 on page 2 of the Office Action mailed February 28, 2005 that keyboard (10) of Clancey et al. is completely detachable from the

space if pin (46) is removed. However, pin (46) is not removable. As stated in column 6, lines 60-65 of Clancey et al.,

“As can be seen in FIG. 5A, a clockwise pivotal force on the pawl 80 tends to pivot the keyboard structure 10 in a clockwise direction about pivot pin 46, and a counterclockwise pivotal force on the pawl 80 tends to pivot the keyboard structure 10 in a counterclockwise direction about the pivot pin 46.”

Therefore, the keyboard (10) simply pivots about pivot pin (46) and pivot pin (46) is not designed to be removed and the keyboard is not completely detachable from the space as recited in independent claims 1 and 7-9.

Therefore, independent claims 1 and 7-9 patentably distinguish over the prior art relied upon by reciting, as exemplified by claim 1,

“An electronic apparatus to which an input device is connected, comprising: a main unit; a display unit rotatably attached to the main unit; and a retaining mechanism retaining at least one portion of the input device into a space which is formed by between the display unit and the main unit when the input device is not used, wherein the input device is completely detachable from the space.” (Emphasis Added)

Is claim 6 patentable under 35 U.S.C. §103(a) as being unpatentable over Clancy et al., U.S. Patent No. 5,168,427, in view of Kimura et al., U.S. Patent No.6,108,716?

Rejections of the claims under 35 U.S.C. §103

The Law

The test for obviousness under 35 U.S.C. §103 was set forth by the U.S. Supreme Court in **Graham v. John Deere, Co.**, 381 US 1, 148 USPQ 459 (1956). In the **Graham** case, the

Supreme Court set forth the following three part test as providing the background for determining obviousness:

1. determine the scope and content of the prior art;
2. ascertain the differences between the prior art and the claims at issue; and
3. resolve the level of ordinary skill in the pertinent art (**Graham v. John Deere, Co.**, 381 US at 17).

The Court of Appeals for the Federal Circuit has expressly stated that secondary considerations such as commercial success, acceptance by those skilled in the art, and initial expressions of disbelief by experts are to be considered in making a determination of obviousness or non-obviousness. **Stratoflex v. Aeroquip**, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983).

Kimura et al. describes a portable computer system with a detachable keyboard in which a link unit (117) serves to link the main or system unit (10) and a keyboard (100). Pushing the push-button (117a) of the link unit (117) against the spring (118) causes the keyboard (100) to be detached from the system unit (10). The display unit (30) may be opened and closed using a link mechanism (90) so that it folds against the system (10) and the keyboard (100) when closed and the keyboard (100) attached. An IR terminal (21) on the system unit (10) or the keyboard (100) is used for communications between the keyboard (100) and system (10) when the keyboard (100) is detached from the system unit (10). When the keyboard (100) is detached from the system unit (10), the system unit (10) acts as a base on which the display (30) may be swung back along the guide (91).

Claim 6 is allowable by virtue of its dependence from allowable independent claim 1.
Therefore, claim 6 patentable under 35 U.S.C. §103(a).

IX. CONCLUSIONS

In summary, it is submitted that claims 1-9 patentably distinguish over Clancy et al., U.S. Patent No. 5,168,427, and Kimura et al., U.S. Patent No. 6,108,716.

It is respectfully requested that the Examiner's rejections of claims 1-9 as being anticipated by Clancy et al., U.S. Patent No. 5,168,427, be reversed. Further, it is respectfully requested that the Examiner's rejection of claim 6 under 35 U.S.C. §103(a) as being unpatentable over Clancy et al., U.S. Patent No. 5,168,427, in view of Kimura et al., U.S. Patent No. 6,108,716, be reversed.

In the event this paper is not timely filed, appellant hereby petitions for an appropriate extension of time. The fee for any such extension may be charged to our Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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Enclosures: Appendix

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APPENDIX

Claim 1: An electronic apparatus to which an input device is connected, comprising:
a main unit;
a display unit rotatably attached to the main unit; and
a retaining mechanism retaining at least one portion of the input device into a space
which is formed by between the display unit and the main unit when the input device is not used,
wherein the input device is completely detachable from the space.

Claim 2: The electronic apparatus as claimed in claim 1, wherein the retaining mechanism comprises at least one supporting member.

Claim 3: The electronic apparatus as claimed in claim 1, wherein the retaining mechanism further comprises a supporting member is mounted so as to be storable in the main unit when the input device is not being stored.

Claim 4: The electronic apparatus as claimed in claim 1, wherein the retaining mechanism comprises an engaging member engaging the main unit and the input device.

Claim 5: The electronic apparatus as claimed in claim 1, wherein the retaining mechanism further comprises an engaging member is mounted so as to be storable in the main unit when the input device is not being stored.

Claim 6: The electronic apparatus as claimed in claim 1, further comprising:
at least one detector detecting each of a storage and a removal operation of the input device; and
control means controlling a predetermined operation of the electronic apparatus according to a signal of the detector.

Claim 7: An input device detachably connected to an electronic apparatus having a display unit rotatably attached to a main unit, the input device comprising: at least one engaging member engaging the main unit so that at least one portion of the input device is retained into a space which is formed between the display unit and the main unit, wherein the input device is completely detachable from the space.

Claim 8: An electronic apparatus, comprising:
a main unit;
a keyboard detachable from the main unit;
a display unit rotatably attached to the main unit, and
a supporting member rotatably mounted to the main unit to hold the keyboard against the main unit when the supporting member is lowered from the main unit the keyboard is mounted on the supporting member, wherein when the keyboard is mounted on the supporting member and the display unit is rotated down, the keyboard is disposed in a space between the display unit and the main unit, wherein the input device is completely detachable from the space.

Claim 9: A main unit used for an electronic apparatus to which an input device is connected, the electronic apparatus having a display unit rotatably attached to the main unit, the main unit comprising a support member, wherein the support member projects from a front surface of the main unit into a space formed between the display unit and the main unit, so that at least one portion of the input device is retained into the space when the input device is not used, and wherein the input device is completely detachable from the space.